

BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

BRADFORD EARL BROOKHART

Registered Nurse License No. 627008

Respondent.

Case No. 2012-419

DECISION

The attached Stipulated Surrender of License and Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on June 27, 2012.

IT IS SO ORDERED this June 27, 2012.



Erin Niemela
Temporary Chair
Board of Registered Nursing
Department of Consumer Affairs
State of California

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10 **BEFORE THE**
11 **BOARD OF REGISTERED NURSING**
12 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

13 In the Matter of the Accusation Against:

Case No. 2012-419

14 **BRADFORD EARL BROOKHART**
228 Aspen Street
15 Hereford, TX 79045
16 **Registered Nurse License No. 627008**

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

17 Respondent.

18 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
19 entitled proceedings that the following matters are true:

20 PARTIES

21 1. Louise R. Bailey, M.Ed., RN (Complainant) is the Interim Executive Officer of the
22 Board of Registered Nursing (Board). She brought this action solely in her official capacity and
23 is represented in this matter by Kamala D. Harris, Attorney General of the State of California, by
24 Leslie E. Brast, Deputy Attorney General and assisted by Lydia Zane, Senior Legal Analyst.

25 2. Bradford Earl Brookhart (Respondent) represents himself in this proceeding and has
26 chosen not to exercise his right to be represented by counsel.

27 3. On or about September 26, 2003, the Board of Registered Nursing issued Registered
28 Nurse License, No. 627008, to Respondent. The Registered Nurse License expired on January

1 31, 2005, and has not been renewed.

2 JURISDICTION

3 4. Accusation No. 2012-419 was filed before the Board and is currently pending against
4 Respondent. The Accusation and all other statutorily required documents were properly served
5 on Respondent on December 30, 2011. Respondent timely filed a written statement of his
6 intention to surrender his license in lieu of a Notice of Defense contesting the Accusation. A
7 copy of Accusation No. 2012-419 is attached as Exhibit A and incorporated by reference.

8 ADVISEMENT AND WAIVERS

9 5. Respondent has carefully read, and understands the charges and allegations in
10 Accusation No. 2012-419. Respondent also has carefully read, and understands the effects of this
11 Stipulated Surrender of License and Order.

12 6. Respondent is fully aware of his legal rights in this matter, including the right to a
13 hearing on the charges and allegations in the Accusation; the right to be represented by counsel, at
14 his own expense; the right to confront and cross-examine the witnesses against him; the right to
15 present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel
16 the attendance of witnesses and the production of documents; the right to reconsideration and
17 court review of an adverse decision; and all other rights accorded by the California
18 Administrative Procedure Act and other applicable laws.

19 7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and
20 every right set forth above.

21 CULPABILITY

22 8. Respondent admits the truth of each and every charge and allegation in Accusation
23 No. 2012-419, agrees that cause exists for discipline and hereby surrenders his Registered Nurse
24 License No. 627008 for the Board's formal acceptance.

25 9. Respondent understands that by signing this stipulation, he enables the Board to issue
26 an order accepting the surrender of his Registered Nurse License without further response.

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CONTINGENCY

25. This stipulation shall be subject to approval by the Board of Registered Nursing. Respondent understands and agrees that counsel for Complainant and the staff of the Board of Registered Nursing may communicate directly with the Board regarding this stipulation and settlement, without notice to or participation by Respondent. By signing the stipulation, Respondent understands and agrees that he may not withdraw his agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Surrender and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

10. The parties understand and agree that facsimile copies of this Stipulated Surrender of License and Order, including facsimile signatures thereto, shall have the same force and effect as the originals.

11. This Stipulated Surrender of License and Order is intended by the parties to be an integrated writing representing the complete, final, and exclusive embodiment of their agreement. It supersedes any and all prior or contemporaneous agreements, understandings, discussions, negotiations, and commitments (written or oral). This Stipulated Surrender of License and Order may not be altered, amended, modified, supplemented, or otherwise changed except by a writing executed by an authorized representative of each of the parties.

12. In consideration of the foregoing admissions and stipulations, the parties agree to the following Order.

ORDER

IT IS HEREBY ORDERED that Registered Nurse License No. 627008, issued to Respondent Bradford Earl Brookhart, is surrendered and accepted by the Board of Registered Nursing.

1. The surrender of Respondent's Registered Nurse License shall constitute the imposition of discipline against Respondent. This stipulation constitutes a record of the discipline

1 and shall become a part of Respondent's license history with the Board.

2 2. Respondent shall lose all rights and privileges as a Registered Nurse in California as
3 of the effective date of the Decision and Order.

4 3. Respondent shall cause to be delivered to the Board his pocket license and, if one was
5 issued, his wall certificate on or before the effective date of the Decision and Order.

6 4. If Respondent ever files an application for licensure or a petition for reinstatement in
7 the State of California, the Board shall treat it as a petition for reinstatement. Respondent must
8 comply with all the laws, regulations and procedures for reinstatement of a revoked license in
9 effect at the time the petition is filed, and all of the charges and allegations contained in
10 Accusation No. 2012-419 shall be deemed to be true, correct and admitted by Respondent when
11 the Board determines whether to grant or deny the petition.

12 5. If and when Respondent's license is reinstated, he shall pay to the Board, costs
13 associated with its investigation and enforcement pursuant to Business and Professions Code
14 section 125.3 in the amount of \$1,220.00. Respondent shall be permitted to pay these costs in a
15 payment plan approved by the Board. Nothing in this provision shall be construed to prohibit the
16 Board from reducing the amount of cost recovery upon reinstatement of the license.

17 6. Respondent shall pay the agency its costs of investigation and enforcement in the
18 amount of \$1,220.00 prior to issuance of a new or reinstated license.

19 7. If Respondent should ever apply or reapply for a new license or certification, or
20 petition for reinstatement of a license, by any other health care licensing agency in the State of
21 California, all of the charges and allegations contained in Accusation, No. 2012-419 shall be
22 deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of
23 Issues or any other proceeding seeking to deny or restrict licensure.

24 8. Respondent shall not apply for licensure or petition for reinstatement for five (5)
25 years from the effective date of the Decision and Order.

26 ACCEPTANCE

27 I have carefully read the Stipulated Surrender of License and Order. I understand the
28 stipulation and the effect it will have on my Registered Nurse License. I enter into this Stipulated

1 Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to be bound
2 by the Decision and Order.

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5 DATED: 4-5-12


BRADFORD EARL BROOKHART
Respondent


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9 ENDORSEMENT

10 The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted.

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12 Dated: 4/25/12

Respectfully submitted,

13 KAMALA D. HARRIS
Attorney General of California
14 FRANK H. PACOE
Supervising Deputy Attorney General

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16 LESLIE E. BRAST
17 Deputy Attorney General
18 *Attorneys for Complainant*

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Exhibit A

Accusation No. 2012-419

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10 **BEFORE THE**
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11 **DEPARTMENT OF CONSUMER AFFAIRS**
12 **STATE OF CALIFORNIA**

13 In the Matter of the Accusation Against:

Case No. 2012-419

14 **BRADFORD EARL BROOKHART**
228 Aspen Street
15 Hereford, TX 79045

ACCUSATION

16 **Registered Nurse License No. 627008**

17 Respondent.

18
19 Complainant alleges:

20 **PARTIES**

21 1. Louise R. Bailey, M.Ed., RN (Complainant), brings this Accusation solely in her
22 official capacity as the Executive Officer of the Board of Registered Nursing (Board),
23 Department of Consumer Affairs.

24 2. On or about September 26, 2003, the Board issued Registered Nurse License Number
25 627008 to Bradford Earl Brookhart (Respondent). The Registered Nurse License expired on
26 January 31, 2005, and has not been renewed.

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JURISDICTION

3. This Accusation is brought before the Board under the authority of the following laws. All section references are to the Business and Professions Code (Code) unless otherwise indicated.

4. Code section 2750 provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

5. Code section 2764 provides that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under section 2811(b) of the Code, the Board may renew an expired license at any time within eight years after the expiration.

STATUTORY PROVISIONS

6. Code section 2761 states that the Board may take disciplinary action against a certified or licensed nurse for any of the following:

“(a) Unprofessional conduct, which includes, but is not limited to, the following:

“... ”

“(4) Denial of licensure, revocation, suspension, restriction, or any other disciplinary action against a health care professional license or certificate by another state or territory of the United States, by any other government agency, or by another California health care professional licensing board. A certified copy of the decision or judgment shall be conclusive evidence of that action.”

CONTROLLED SUBSTANCES/DANGEROUS DRUGS

7. Code section 4021 states that a “‘Controlled substance’ means any substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code.”

8. Code section 4022 sets forth that a “‘Dangerous drug’ or ‘dangerous device’ means any drug or device unsafe for self-use in humans or animals, and includes the following:

“(a) Any drug that bears the legend: ‘Caution: federal law prohibits dispensing without prescription,’ ‘Rx only’ or words of similar import.

1 “(b) Any device that bears the statement: ‘Caution: federal law restricts this device to sale
2 by or on the order of a _____,’ ‘Rx only,’ or words of similar import . . .

3 “(c) Any other drug or device that by federal or state law can be lawfully dispensed only on
4 prescription or furnished pursuant to Section 4006.”

5 9. Morphine is a Schedule II controlled substance pursuant to Health and Safety Code
6 section 11055, subdivision (b)(1)(L), and a dangerous drug within the meaning of Code section
7 4022. Morphine is a powerful opiate analgesic medication.

8 10. Demerol, also referred to as Pethidine or Meperidine, is a Schedule II controlled
9 substance pursuant to Health and Safety Code section 11055, subdivision (c)(17), and a
10 dangerous drug within the meaning of Code section 4022. Demerol is used for the treatment of
11 moderate to severe pain.

12 COST RECOVERY

13 11. Code section 125.3 provides, in pertinent part, that the Board may request the
14 administrative law judge to direct a licentiate found to have committed a violation or violations of
15 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
16 enforcement of the case.

17 FIRST CAUSE FOR DISCIPLINE

18 (Unprofessional Conduct - Out of State Discipline)
19 (Bus. & Prof. Section 2761, subd. (a)(4))

20 12. Respondent is subject to disciplinary action under Code section 2761, subdivision
21 (a)(4), in that on or about October 25, 2006, in a disciplinary action before the Board of Nurse
22 Examiners for the State of Texas (Texas Board), License Number 626253, the Texas Board
23 entered an Order accepting the voluntary surrender of Respondent’s Texas nursing license. The
24 circumstances on which the Order is based are as follows:

25 a. During April and September 2004, while employed as a Registered Nurse at Hereford
26 Regional Medical Center in Hereford, Texas, Respondent engaged in the intemperate use and
27 misappropriation of controlled substances and dangerous drugs, to wit, Benzodiazepines,
28 Demerol, and Morphine.

1 b. On September 2 and 8, 2004, Respondent tested positive for Benzodiazepines while
2 employed as a Registered Nurse at Hereford Regional Medical Center.

3 c. During February 2005, while employed as a Registered Nurse with Texas Tech
4 Health Science Center, in Neal Unit, Amarillo, Texas, Respondent engaged in the intemperate use
5 and misappropriation of Morphine.

6 d. On or about February 8, 2004, and February 18, 2005, Respondent admitted to the
7 intemperate use of Morphine while employed as a Registered Nurse at the Texas Tech Health
8 Science Center.

9 PRAYER

10 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
11 and that following the hearing, the Board of Registered Nursing issue a decision:

12 1.1. Revoking or suspending Registered Nurse License Number 627008, issued to
13 Bradford Earl Brookhart;

14 1.2. Ordering Bradford Earl Brookhart to pay the Board of Registered Nursing the
15 reasonable costs of the investigation and enforcement of this case, pursuant to Business and
16 Professions Code section 125.3;

17 1.3. Taking such other and further action as deemed necessary and proper.

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19
20 DATED: 12/30/2011

21 
22 for LOUISE R. BAILEY, M.ED., RN
23 Executive Officer
24 Board of Registered Nursing
25 Department of Consumer Affairs
26 State of California
27 Complainant
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